

REMARKS

Initially, Applicant's representative wishes to thank the Examiner for the courtesies extended during the telephone interview conducted on June 6, 2005 and again during a brief follow up telephone call on October 24, 2005. In accordance with the Examiner's suggestion, Applicant e-mailed the Examiner (twice, once in June 2005 and again on October 24, 2005) a draft Amendment to incorporate the changes discussed between the Examiner and the Applicant's representative in order to place the Application in condition for allowance. Upon not receiving any response from the Examiner regarding the draft Amendment, Applicant submits the instant Amendment.

Specifically, in accordance with the suggestions made by the Examiner during the interview, Applicant has amended independent claims 1 and 12 to include specific steps of the calibration procedure. As indicated by the Examiner, at least claims 1-22 and 27 should now be in condition for allowance. Further, for the reasons set forth below, Applicant respectfully requests that claims 23-27 be found allowable at least because none of the cited prior art references teach or suggest the specific steps as recited in independent claim 23.

Request for Entry of the Present Claim Amendments and Allowance of Claims 1-22

As indicated above, Applicant's representative, Mr. Kevin M. Barner, conducted a telephonic interview with Examiner Huyen Vo on June 6, 2005. During that interview the Examiner suggested specific amendments to the claims that would place the claims in condition for allowance. Specifically, the Examiner suggested that certain specific

steps of the calibration procedure be included in the independent claims. The Examiner suggested that Applicant's representative e-mail him a draft Amendment implementing these proposed revisions. Applicant's representative prepared the proposed draft Amendment and e-mailed it to the Examiner shortly thereafter. As discussed on October 24, 2005 during a telephone call to Examiner Vo from Applicant's representative, apparently, the Examiner never received the previous draft Amendment. The draft Amendment was again sent to the Examiner with the claim amendments suggested by the Examiner implemented.

Because the claim amendments provided in the present Amendment are the same as those previously proposed by the Examiner to gain allowance of the claims, and because they were e-mailed to the Examiner twice previously, Applicant respectfully requests that the claim amendments be entered and that claims 1-22 be found allowable.

Request for Withdrawal of Finality of Office Action

On page 8, par. no. 20, of the Final Office Action, dated July 26, 2005, it is stated that claims 23-27 contain the same subject matters as claimed in claims 1-22. It is further suggested that Applicant should refer to the rejections of claims 1-22 to determine the bases for the rejection(s) of claims 23-27. Because claims 23-27 do not, in fact, recite exactly the same subject matter as claims 1-22 and, further, because it is impossible to determine the precise bases for the rejection of claims 23-27, Applicant

can not adequately address the rejection of claims 23-27. Accordingly, Applicant requests that the finality of the Office Action be withdrawn and a further Office Action specifically stating the bases for the rejection of claims 23-27 be provided.

For example, independent claim 23 recites

A method for calibrating an individual recorded spoken word, the method comprising:
inputting a first value representative of a desired energy corresponding to the individual word;
recording the individual spoken word;
converting voice input of the individual spoken word to a digital format;
and
modifying the digital format of the individual spoken word such that a measured energy value corresponding to the modified digital format of the spoken word is substantially equal to the first value.

Applicant submits that none of claims 1-22 recite the combination of features required by claim 23 and, thus, none of the rejections asserted against any of claims 1-22 can be identically applied to claim 23, or claims 24-26 which depend from claim 23. Further, it is pointed out that claim 27 depends from claim 3, which depends from claims 2 and 1, respectively. Thus, claim 27 further defines the subject matter of claims 1, 2 and 3. Similar to claim 23, claim 27 recites subject matter not found in any other claim. Thus, none of the rejections applied to claims 1-22 are applicable identically to claim 27. Further, some of the claims from claims 1-22 have been rejected under 35 U.S.C. § 102 (i.e., claims 1, 2, 12 and 13) and some of the claims have been rejected under 35 U.S.C. § 103 (i.e., claims 3-11 and 14-22). Also, of the claims rejected under 35 U.S.C. § 103, some were rejected in view of Katayanagi alone (i.e., claims 7 and 18) and some

were rejected in view of Katayanagi in view of Ertem (i.e., claims 3-6, 8-11, 14-17 and 19-22).

Accordingly, the Examiner has failed to adequately set forth the bases for the rejections of claims 23-27, as it can not be determined from the Office Action whether a particular claim is being rejected under §102 and/or §103. For at least this reason the finality of the Office Action should be withdrawn and a further, Non-Final, Office Action should be provided to Applicant which specifically identifies the bases for the rejection of claims 23-27. Alternatively, allowance of claims 23-27 should be granted.

Allowability of Claims 23-27

None of the prior art references of record teach or disclose the combination of,

- inputting a first value representative of a desired energy corresponding to the individual word;
- recording the individual spoken word;
- converting voice input of the individual spoken word to a digital format; and
- modifying the digital format of the individual spoken word such that a measured energy value corresponding to the modified digital format of the spoken word is substantially equal to the first value.

Accordingly, claims 23-26 patentably distinguished from the prior art and should be allowed.

Further, claim 27 requires all the limitations recited in claims 1-3 plus the requirement that "the discrete representation of the at least one word comprises separate respective discrete representations for each word of the at least one word." Because none of the prior art references of record teach or suggest this feature, claim

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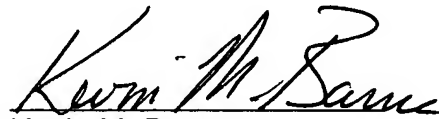
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27 is allowable. Claim 27 is also allowable based on its dependence from allowable claims 1-3, discussed above.

Conclusion

In view of the above amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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